

United States District Court

For the Northern District of California

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

640 OCTAVIA LLC,

Plaintiff,

No. C 18-01047 WHA

v.

KARL HEINZ-PIEPER,

Defendant.

SPECIAL VERDICT FORM

When answering the following questions and filling out this special verdict form, please follow the directions provided throughout this special verdict form and the final charge to the jury. Your answer to each question must be unanimous.

QUESTION NO. 1

Has plaintiff proven that defendant unreasonably created or unreasonably allowed a substantial interference with the comfort, safety or enjoyment of the landlord or tenants in 640 Octavia Street, the activities having been severe, continuing or recurring in nature?

YES

NO

X

If you answered "No" to Question No. 1, then you have found in favor defendant and are done — go to the end, sign, and date the form. If you answered "Yes," you should continue to Question Nos. 2, 3 and 4. If you answered "Yes" to Question No. 1 and answer "Yes" to Question No. 3 and "No" to Question No. 4, then plaintiff may evict defendant from Apartment 3 and recover damages. If you answered "Yes" to Question No. 1 and answer "No" to Question No. 3 or "Yes" to Question No. 4, then plaintiff may not evict (but may still recover damages).

QUESTION NO. 2

If you answered "Yes" to Question No. 1, what amount of damages, if any, has plaintiff proven that it has suffered as a result of defendant's conduct? If defendant has proven that plaintiff failed to mitigate any portion of its damages, reduce by that amount.

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QUESTION NO. 3

Has plaintiff proven both that (a) its dominant motive for evicting defendant is the conduct covered by Question No. 1, and (b) it provided defendant with a valid notice to vacate Apartment 3?

YES**NO****QUESTION NO. 4**

Has defendant proven that plaintiff, in bad faith, did any of the following: (1) attempted to influence defendant to vacate his apartment through fraud, intimidation or coercion; (2) threatened defendant, by word or gesture, with physical harm; (3) discriminated against defendant based on actual or perceived sexual preference or sexual orientation; (4) interfered with defendant's right to quiet use and enjoyment of his apartment; (5) interfered with defendant's right to privacy; or (6) engaged in other repeated acts or omissions of such significance as to substantially interfere with or disturb the comfort, repose, peace or quiet of any person lawfully entitled to occupancy of such dwelling unit and that cause, are likely to cause, or are intended to cause any person lawfully entitled to occupancy of a dwelling unit to vacate such dwelling unit or to surrender or waive any rights in relation to such occupancy?

YES**NO**

1 You have now reached the end of the verdict form and should review it to ensure it
2 accurately reflects your unanimous determinations. Your presiding juror should then sign and
3 date the verdict form in the spaces below and notify the judge (through the court security
4 officer) that you have reached a verdict. The presiding juror should place the verdict form in
5 the envelope provided and bring it when the jury returns to the courtroom to deliver the verdict.

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8 Dated: April 1, 2019.

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FOREPERSON